

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**IN RE:**

**ROY ANTHONY MARSH**

**Debtor.**

**CASE NO: 3:17-bk-02924**

**CHAPTER 13**

**JUDGE RANDAL S. MASHBURN**

---

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 11/27/2018  
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 12/5/2018, AT 8:30 A.M. IN  
COURTROOM 1, 2<sup>nd</sup> FLOOR, CUSTOMS HOUSE, 701 BROADWAY, NASHVILLE, TN 37203.**

---

**NOTICE OF MOTION TO MODIFY PLAN**

---

Debtor has asked the court for the following relief: TO MODIFY TERMS OF THE CHAPTER 13 PLAN.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday - Friday, 8:00 a.m. - 4:00 p.m.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the court's website at <https://ecf.tnmb.uscourts.gov>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated: November 6, 2018

/s/Jon D. Long

**Jon D. Long, TN Bar# 031211**

**Attorney for Debtor**

Long, Burnett & Johnson, PLLC

302 42<sup>nd</sup> Avenue North

Nashville, TN 37209

Phone: 615-386-0075

Fax: 615-864-8419

[ecfmail@tennessee-bankruptcy.com](mailto:ecfmail@tennessee-bankruptcy.com)

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**IN RE:**

**ROY ANTHONY MARSH**

**Debtor.**

**CASE NO: 3:17-bk-02924**

**CHAPTER 13**

**JUDGE RANDAL S. MASHBURN**

---

**MOTION TO MODIFY PLAN**

---

Comes now the Debtor, Roy Anthony Marsh, by and through counsel, and pursuant to 11 USC §1329 and LBR 9013, and requests the Court enter an Order modifying Debtor's Chapter 13 Plan. In support of this motion, Debtor would show the following:

1. Debtor's case was filed on April 27, 2017 and confirmed by order of this Court on June 14, 2017. Included in the confirmation order was provision for Inland Bank/Insolve Auto Funding for an estimated \$11,000 claim to be paid 22% interest and monthly payments of \$305.00.
2. Insolve Auto Funding filed a proof of claim in the amount of \$10,995.00 on July 20, 2017 (Court Claim #8). This claim was later amended to 11,345.00 on January 31, 2018 (Court Claim Amended #8).
3. Insolve Auto Funding filed a notice of default constituting relief from the stay on November 21, 2017 (Docket #41).
4. Subsequently, Insolve Auto Funding and the Debtor agreed to allow the debtor to retain the vehicle and continue payments to Insolve through the Chapter 13 plan.
5. Because of the relief from stay granted on November 21, 2017, the Trustee is not distributing monthly payments to the creditor.
6. Debtor proposes:
  - a. To rescind the notice of default and relief from the stay contained in Docket #41 to allow payment of the claim of Insolve Auto Funding.

b. The Trustee begin distribution on the claim of Insolve Auto Funding beginning with the August 1, 2017 payment in the amount contained in the confirmation order.

7. There shall be no changes to the treatment of other secured creditors nor any change in other terms of the confirmation order.

WHEREFORE the Debtor respectfully moves this Honorable Court to modify the Plan according to the terms proposed above.

Dated on November 6, 2018.

Respectfully submitted,

/s/Jon D. Long

**Jon D. Long, TN Bar# 031211**

***Attorney for Debtor***

Long, Burnett & Johnson, PLLC

302 42<sup>nd</sup> Avenue North

Nashville, TN 37209

Phone: 615-386-0075

Fax: 615-864-8419

[ecfmail@tennessee-bankruptcy.com](mailto:ecfmail@tennessee-bankruptcy.com)

**IN THE UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**IN RE:**

**ROY ANTHONY MARSH**

**CASE NO. 3:17-02924**

**DEBTOR**

**CHAPTER 13**

**JUDGE RANDAL S. MASHBURN**

**AMENDED MONTHLY FAMILY BUDGET**

		<u>Prior Budget</u>	<u>Current Budget</u>
Dates of Budgets:		<u>4/27/2017</u>	<u>11/6/2018</u>
<b><u>EXPENSES</u></b>			
Rent/Mortgage Payment:		<u>\$855.00</u>	<u>\$855.00</u>
Utilities:	Prior Current		
Electric, heat, natural gas	<u>\$75.00</u> <u>\$75.00</u>		
Water, sewer	<u>\$0.00</u> <u>\$0.00</u>		
Telephone/Cell Phone/Inet/Cable	<u>\$0.00</u> <u>\$0.00</u>		
Home Maintenance	<u>\$0.00</u> <u>\$0.00</u>		
HOA Dues	<u>\$0.00</u> <u>\$0.00</u>		
Other	<u>\$0.00</u> <u>\$0.00</u>		
Other:	<u>\$0.00</u> <u>\$0.00</u>		
Total Utilities		\$75.00	\$75.00
Food		<u>\$75.00</u>	<u>\$75.00</u>
Child Care, Children Education Costs		<u>\$0.00</u>	<u>\$0.00</u>
Clothing, Laundry, dry cleaning		<u>\$5.00</u>	<u>\$5.00</u>
Personal Care Products		<u>\$5.00</u>	<u>\$5.00</u>
Medical and Dental Expenses		<u>\$0.00</u>	<u>\$0.00</u>
Transportation (not including car pmts		<u>\$50.00</u>	<u>\$50.00</u>
Insurance (not deducted from wages):			
Auto	<u>\$328.00</u> <u>\$328.00</u>		
Life	<u>\$0.00</u> <u>\$0.00</u>		
Home	<u>\$0.00</u> <u>\$0.00</u>		
Renters	<u>\$0.00</u> <u>\$0.00</u>		
Health	<u>\$0.00</u> <u>\$0.00</u>		
Total Insurance:		\$328.00	\$328.00
Taxes: (not deducted from wages)		<u>\$0.00</u>	<u>\$0.00</u>
Domestic Support (Alimony, Child Support)		<u>\$0.00</u>	<u>\$0.00</u>
Car Payments		<u>\$0.00</u>	<u>\$0.00</u>
Other Monthly Expenses			
Entertainment		<u>\$0.00</u>	<u>\$0.00</u>
Charitable/Religious Donations		<u>\$0.00</u>	<u>\$0.00</u>
Pet Care		<u>\$0.00</u>	<u>\$0.00</u>
Home Security		<u>\$0.00</u>	<u>\$0.00</u>
Other		<u>\$0.00</u>	<u>\$0.00</u>
Other		<u>\$0.00</u>	<u>\$0.00</u>
<b>TOTAL MONTHLY EXPENSES:</b>		<b><u>\$1,393.00</u></b>	<b><u>\$1,393.00</u></b>

<b><u>INCOME</u></b>		<u>Prior Budget</u>	<u>Current Budget</u>
Debtor's Gross Income:		<u>\$0.00</u>	<u>\$0.00</u>
Spouse's Gross Income:		<u>\$0.00</u>	<u>\$0.00</u>
Payroll Deductions:			
Payroll Taxes	<u>\$0.00</u>	<u>\$0.00</u>	
401(k) Loan	<u>\$0.00</u>	<u>\$0.00</u>	
Insurance	<u>\$0.00</u>	<u>\$0.00</u>	
Housing Allowance	<u>\$0.00</u>	<u>\$0.00</u>	
Other			
Other			
Total Payroll Deductions:		<u>\$0.00</u>	<u>\$0.00</u>
Other Regular Income:			
Social Security	<u>\$1,194.00</u>	<u>\$1,194.00</u>	
Pension	<u>\$432.00</u>	<u>\$432.00</u>	
Family Contribution	<u>\$250.00</u>	<u>\$250.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Other	<u>\$0.00</u>	<u>\$0.00</u>	
Other:	<u>\$0.00</u>	<u>\$0.00</u>	
Total Other Regular Income:		<u>\$1,876.00</u>	<u>\$1,876.00</u>
<b>TOTAL MONTHLY INCOME:</b>		<u>\$1,876.00</u>	<u>\$1,876.00</u>
<b><u>SUMMARY:</u></b>			
Total Monthly Income		<u>\$1,876.00</u>	<u>\$1,876.00</u>
Minus Total Monthly Expenses		<u>\$1,393.00</u>	<u>\$1,393.00</u>
Equals Monthly Surplus:		<u><b>\$483.00</b></u>	<u><b>\$483.00</b></u>
Monthly Plan Payment:	<u>\$397.50</u>	<u>\$397.50</u>	
Duration of Plan (months):	<u>60 Months</u>	<u>43 Months Remaining</u>	
Dividend to Unsecured Creditors (%)	<u>0.00%</u>	<u>0.00%</u>	
Secured Creditors Affected:			

\*Explain any increase/decrease in income/expenses that exceeds 10%:

/s/Roy Anthony Marsh  
*Debtor*  
November 6, 2018  
*Date*

# PROPOSED ORDER

IN RE:

**ROY ANTHONY MARSH**

**Debtor.**

**CASE NO: 3:17-bk-02924**

**CHAPTER 13**

**JUDGE RANDAL S. MASHBURN**

---

## ORDER TO MODIFY THE PLAN

---

Upon consideration of Debtor's Motion to Modify the Plan filed on November 6, 2018, it appears to the Court that notice of said motion pursuant to LBR 9013 has been given. It further appears to the Court no objections, responses or otherwise have been filed within the twenty-one (21) day response period. It is therefore

ORDERED that the notice of default and relief from the stay granted to Inland Bank/Insolve auto funding at Docket #41 is rescinded.

ORDERED that the Trustee begin payments to Insolve Auto Funding at the next regular distribution after entry of this order. The total of this claim to be in an amount as indicated in amended Claim #8 at the monthly payment amount contained in the confirmation order with a first payment date of August 1, 2017.

ORDERED that no other terms of the confirmation order are modified.

IT IS SO ORDERED.

THIS ORDER WAS SIGNED AND ENTERED  
ELECTRONICALLY AS INDICATED AT THE TOP  
OF THE FIRST PAGE

---

Approved For Entry By:

/s/Jon D. Long

**Jon D. Long, TN Bar# 031211**

***Attorney for Debtor***

Long, Burnett & Johnson, PLLC

302 42<sup>nd</sup> Avenue North

Nashville, TN 37209

Phone: 615-386-0075/Fax: 615-864-8419

[ecfmail@tennessee-bankruptcy.com](mailto:ecfmail@tennessee-bankruptcy.com)